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UNITED STATES DISTRICT COURT

Southern

DISTRICT OF

OhioUNITED STATES OF AMERICA
v.Frank Maurice Benton
1537 Stimmel Road
Columbus, Ohio 43223

(Name and Address of Defendant)

CRIMINAL COMPLAINT

Case Number:

2 : 08 mj 348

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 10/23/07 to 7/17/08 in Franklin County, in the Southern District of Ohio defendant(s) did,

(Track Statutory Language of Offense)

being required to register, did travel in interstate or foreign commerce and knowingly failed to register as required by Sex Offender Registration and Notification Act

in violation of Title 18 United States Code, Section(s) 2250 (a).

I further state that I am a(n) Deputy United States Marshal and that this complaint is based on the following facts:

see attached affidavit

Continued on the attached sheet and made a part of this complaint: Yes No

Nicole Ralston
Signature of Complainant

Nicole Ralston
Printed Name of Complainant

Sworn to before me and signed in my presence,

7/18/08
Date

at Columbus, Ohio
City and State

Terrence P. Kemp
Signature of Judge

Terrence P. Kemp, U.S. Magistrate Judge.
Name and Title of Judge

AFFIDAVIT

I, Nicole Ralston, being duly sworn, do hereby declare and state the following:

1) My name is Nicole Ralston. I am a Deputy United States Marshal assigned to the Southern District of Ohio. I have been employed with the United States Marshals Service (USMS) since August of 2003. I am currently assigned to fugitive investigations and have conducted several investigations of sexual offenders. As a Deputy US Marshal, I am authorized under 28 U.S.C. Section 564 to enforce the laws of the United States, including violations of the Sex Offender Registration and Notification Act (SORNA), 42 U.S.C. A. Section 16901, and federal failure to register offenses, pursuant to 18 U.S.C. Section 2250. Prior to my employment with the USMS, I was employed as a Police Officer in Marion, Ohio for seven (7) years. I have a Bachelors Degree in Criminal Justice and I am a graduate of the Federal Law Enforcement Training Center Criminal Investigator Training Program at Glynco, Georgia.

2) I am the case agent for the criminal investigation of FRANK BENTON, a convicted sex offender, relating to his failure to register as a sex offender in Ohio and his failure to notify Ohio authorities of his return from Tennessee to Ohio. This affidavit is based upon my conversations and coordinated efforts with other law enforcement agents and sources and upon my examination of various transcripts, reports, and other records. When the contents of documents or statements of others are reported herein, they are reported in substance and part unless otherwise indicated.

3) This affidavit is made in support of an application for a criminal complaint charging FRANK BENTON with a violation of 18 U.S.C. Section 2250(a). Based on my training, experience, and participation in this and other violations of the sex offender registration requirements, I am aware of the following facts:

4) On or about December 14, 2000, FRANK BENTON entered a plea of guilty to the stipulated lesser included offense of Count One of the Indictment, to wit: SEXUAL BATTERY, in violation of R.C. 2707.03, Felony of the Third Degree, the female victim in this case was 8 years old, case number 99CR-12-6753 in the Court of Common Pleas, Franklin County, Ohio Criminal Division.

5) A criminal history check also revealed BENTON has previous conviction for Gross Sexual Imposition and Sexual Battery on August 14, 1995.

6) On December 14, 2000, the court imposed a sentence of one (1) year incarceration to be served at the Ohio Department of Rehabilitation and Corrections. In addition, by stipulation of the parties, the Court found that there was clear and convincing evidence that BENTON is a SEXUAL PREDATOR. That finding was made pursuant to O.R.C. Section 2950.09 (B) (2).

7) BENTON signed the Notice of Registration Duties of Sexually Oriented Offender or Child-Victim Offender (SORN) form on November 14, 2006 that notified BENTON that

he was classified as a SEXUAL PREDATOR, subject to community notification, for lifetime with verification every 90 days.

8) On February 12, 2007 BENTON notified Franklin County that he was moving to 6112 Renee Drive Corryton, Tennessee. BENTON signed a Notification of Registration form stating that since his expected residence address was located Out of State, he shall register in person no later than February 17, 2007.

9) On February 20, 2007 BENTON registered with the Knox County Sheriff's Office Sex Offender Unit in Corryton, Tennessee.

10) On July 1, 2008, the Franklin County Sheriff's Office received information that BENTON was living in the Columbus, Ohio area and was not registered as a sex offender.

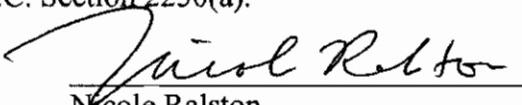
11) A computer database check revealed that BENTON was not registered in Ohio. It also revealed that BENTON was not registered in Tennessee, but rather as inactive due to moving to another state.

12) On July 16, 2008 this information was relayed from the Franklin County Sheriff's office to the United States Marshals Service (USMS).

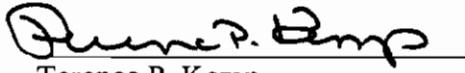
13) Sgt. Wilshire and Officer Lively from the Know County Sheriff's Office Sex Offender Registration Notification Unit in Tennessee advised Deputy Ralston that BENTON notified them of his move from Tennessee to Ohio on October 23, 2007.

14) On July 17, 2008 Deputy United States Marshals Nicole Ralston and Craig Martin located Sarita (Coleman) Benton, the sister of Frank BENTON. She resides at 1537 Stimmel Road Columbus, OH. Sarita Benton advised that BENTON did in fact live with her but he does not stay there every night. She advised 1537 Stimmel Road was the primary residence for Frank BENTON but she had not seen him since July 4, 2008. Sarita Benton advised the Frank BENTON has been living with her for approximately 2 years, on and off.

15) Based on the foregoing facts, my knowledge and experience, I submit there is probable cause to believe FRANK BENTON, being a person required to register under the Sex Offender Registration and Notification Act (SORNA), did knowingly fail to register or update a registration as required by SORNA, and did travel in interstate or foreign commerce, in violation of Title 18 U.S.C. Section 2250(a).


Nicole Ralston
Deputy United States Marshal

Sworn before me and subscribed in my presence the 18th day of July, 2008, at Columbus, Ohio.


Terence P. Kemp
United States Magistrate Judge
Southern District of Ohio